## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

LEANORA M. NORWOOD, Plaintiff,	)
v.	) No. 3:11-CV-398 ) (Phillips/Shirley)
MICHAEL J. ASTRUE,	)
COMMISSIONER OF SOCIAL SECURITY,	)
Defendant.	)

## **MEMORANDUM AND ORDER**

This Social Security appeal is before the court on the report and recommendation filed by United States Magistrate Judge C. Clifford Shirley Jr. [Doc. 18]. There have been no timely objections to the report and recommendation, and enough time has passed since the filing of the report and recommendation to treat any objections as having been waived. See 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of this matter, the court is in complete agreement with the magistrate judge's conclusion that the plaintiff's motion for summary judgment be **GRANTED IN PART** and **DENIED IN PART**; and the Commissioner's motion for summary judgment be **GRANTED IN PART** and **DENIED IN PART** as follows: (1) the ALJ erred in addressing the opinion rendered by Dr. Dew; and (2) the ALJ's finding that plaintiff can

complete light work is supported by substantial evidence in all other respects. Accordingly, the court ACCEPTS IN WHOLE the report and recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is ORDERED, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that the plaintiff's motion for summary judgment [Doc. 12] is GRANTED IN PART and DENIED IN PART DENIED; the Commissioner's motion for summary judgment [Doc. 16] is GRANTED IN PART and DENIED IN PART; and this case is REMANDED to the Commissioner to explain the weight afforded to the opinion of plaintiff's treating physician, Dr. Richard Dew and to determine the effect of Dr. Dew's opinion as to plaintiff's impairments and limitations upon her residual functional capacity.

**ENTER:** 

ENTERED AS A JUDGMENT s/ Debra C. Poplin CLERK OF COURT s/ Thomas W. Phillips
United States District Judge